



Montana Association of Counties

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September 15, 2014

Senator Tom Facey, Chair
Education & Local Government Interim Committee
418 Plymouth St.
Missoula, MT 59801-4133

SENATE
PUBLIC HEALTH, WELFARE & SAFETY

Exhibit No. 9

Date 1/7/2015

Bill No. SB 5

Dear Chair Facey and Members of the Education & Local Government Interim Committee,

On behalf of the Montana Association of Counties, we are writing to express our support of Montana State Fire Chiefs Association's proposed solution to allow the Governor to immediately respond to emerging incidents by broadening the scope of 10-3-310, MCA. In doing this, we will be able expedite deployment of resources to assist with emerging incidents across the state.

As the MCA is currently written, the State is encumbered by the local jurisdiction going through the disaster declaration process, to include the 2 mill emergency assessment, which must be made by a unanimous vote of the governing body, before engaging. If one of the members is gone, it cannot be done until that member returns or is contacted to let that person "vote." By that point in time, many situations have grown from a minor emergency to a major disaster, therefore increasing costs to everyone, particularly the state.

With the ability for the state to initiate a response earlier in a disaster, prior to a 2-mill levy being approved by the local jurisdiction, many of the disasters may be reduced in scope, thereby reducing the total costs. As expressed above, it is currently difficult to rapidly commit funds towards mitigating incidents while they are emerging.

It must be noted that there is no additional money being requested, but rather the bill would allow a quicker state response using existing funding.

If you have questions or need additional clarification, please do not hesitate to call me directly at 406-449-4360.

Sincerely,

Shantil M. Siaperas
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CC: Leanne Kurtz, Legislative Services Division



Montana Legislative Services Division
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TO: Members of the Education and Local Government Interim Committee

FROM: Leanne Kurtz, Research Analyst

DATE: August 29, 2014

RE: Local incident management funding

At your June meeting, Captain Patrick Lonergan from the Bozeman Fire Department and Chief Rich Cowger from Columbus Fire and Rescue and the Montana State Fire Chiefs' Association brought to your attention a policy issue regarding local incident management for extended events that occur prior to a formal declaration of a disaster or emergency. Incident management teams made up of local and state officials have been established for deployment to incidents around the state, but no funding mechanism exists for these teams to operate.

After considering the testimony, you directed staff to work with Captain Lonergan and Chief Cowger to develop options for the committee to consider at its September meeting. Although you did not specifically request that a bill be drafted, given the time constraints and the fact that September's meeting is ELG's final meeting of the interim, staff thought it would be appropriate to provide the committee with a potential solution to the problem in the form of a bill draft that the committee may choose to request, amend, or reject or that a member of the committee may wish to pursue.

To review, Captain Lonergan and Chief Cowger provided the following information.

- Aggressive and timely local response to events can prevent them from worsening and necessitating disaster or emergency declarations.
- Most local response agencies are able to handle routine and short-term incidents, but extended events require more complex incident management and result in increased costs.
- Costs involved in extended incident management have at times precluded proper management.
- The Montana State Emergency Response Commission, which is a statutorily-authorized entity administratively attached to the Department of Military Affairs, has created all-hazard incident management assistance teams. The teams consist of state and local personnel with specialized training in incident command and management.
- Training for the all-hazard incident management teams has been funded primarily by grants.

- Successful partnerships exist between local and state entities for response to hazardous material incidents, search and rescue events, and wildland fire events, but "for incidents outside of wildfire, there is not a mechanism short of a local disaster declaration with 2 mill emergency assessment followed by a governor's declaration in order to offset the costs for proper incident management."
- Section 10-3-310, MCA, authorizes the Governor to expend general fund money up to \$100,000 per biennium, not to exceed \$10,000 per incident, for incident management costs incurred by the state. The section prohibits the use of that expenditure authority to reimburse local governments or tribal governments for incident response costs incurred by those entities.

The enclosed draft:

1. defines "all-hazard incident management assistance team";
2. provides that the Governor's incident management expenditure authority may be used for incident response costs of the state and for incident response costs incurred by an all-hazard incident management assistance team; and
3. clarifies that the State Emergency Response Commission shall establish the all-hazard incident management assistance teams and promulgate rules and procedures for deployment of the teams and cost recovery.

The draft has been reviewed by Captain Lonergan, Chief Cowger, Harold Blattie with the Montana Association of Counties, Steve Knecht with the state Disaster and Emergency Services Division, and other interested individuals.

Feel free to contact me at 444-3593 or at lekurtz@mt.gov if you have questions about the all-hazard teams or the bill draft prior to your meeting later this month.